

House Bill 1300

By: Representatives Powell of the 23rd, Boggs of the 145th, Burmeister of the 96th, and DeLoach of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to
2 electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and
3 utility contractors, so as to prohibit persons from contracting with any other person to
4 perform utility contracting work unless such other person is properly licensed; to provide that
5 persons holding utility manager and utility foreman certificates must provide proof of
6 completion of a course in safety training every two years; to provide for proof of violations
7 of licensing requirements for utility contractors; to provide for cease and desist orders; to
8 provide for fines for violations of such orders; to provide that the issuance of such orders
9 shall not prevent the board from seeking other remedies; to provide for civil penalties for
10 violation of the chapter; to provide for related matters; to provide an effective date; to repeal
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical
15 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
16 contractors, is amended by adding a new paragraph (4.1) to Code Section 43-14-5, relating
17 to general powers of the State Construction Industry Licensing Board, to read as follows:

18 "(4.1) Upon notice and hearing authorized and conducted in accordance with Code
19 Section 43-14-10 and any rules and regulations promulgated by the board, either by the
20 board directly or through a valid delegation of the board's enforcement power to a
21 division thereof, assess civil penalties in an amount up to \$10,000.00 per violation against
22 any person found to be in violation of any requirement of this chapter;".

23 **SECTION 2.**

24 Said chapter is further amended by adding a new subsection (i) to Code Section 43-14-8.2,
25 relating to utility contractor licenses and utility managers, to read as follows:

1 "(i) It shall be unlawful for any person to contract with any other person for the
2 performance of utility contracting work unless such other person contracted to perform the
3 utility contracting work has obtained a utility contractor license pursuant to this chapter."

4 SECTION 3.

5 Said chapter is further amended by striking subsection (b) of Code Section 43-14-8.3,
6 relating to utility manager certificates, and inserting in lieu thereof a new subsection (b) to
7 read as follows:

8 "(b) The division shall certify all applicants for certification under this chapter who satisfy
9 the requirements of this chapter and the rules and regulations promulgated under this
10 chapter. Persons wishing to qualify for utility manager certification shall submit a
11 completed application form documenting required experience and other qualifications as
12 prescribed by the board with the required fees and shall pass an examination. In order to
13 obtain a utility manager certificate, an applicant must submit proof of completion of a
14 course of safety training in utility contracting approved by the division. In order to
15 continue to hold such certificate, the certificate holder must present proof to the division
16 of completion of a safety training course approved by the division at least every two years
17 from the date of the completion of the initial safety training course."

18 SECTION 4.

19 Said chapter is further amended by striking subsection (b) of Code Section 43-14-8.4,
20 relating to utility foreman certificates, and inserting in lieu thereof a new subsection (b) to
21 read as follows:

22 "(b) The division shall certify all applicants for certification under this chapter who satisfy
23 the requirements of this chapter and the rules and regulations promulgated under this
24 chapter. One requirement for such certification shall be the successful completion of a
25 course of safety training in utility contracting approved by the division. In order to
26 continue to hold such certificate, the certificate holder must submit proof to the division
27 of completion of a safety training course approved by the division at least every two years
28 from the date of the completion of the initial safety training course. In lieu of safety
29 training any person desiring to be issued a utility foreman certificate may submit a
30 completed application on or before December 31, 1994, which documents to the
31 satisfaction of the division at least two years of experience as a utility foreman during the
32 period between January 1, 1984, and June 30, 1994. Any person who does not submit a
33 completed application for certification on or before December 31, 1994, must complete the
34 required safety training in order to be certified."

SECTION 5.

Said chapter is further amended by adding a new Code Section 43-14-12.2 to read as follows:

"43-14-12.2.

(a) If a person is in violation of Code Section 43-14-8.2, 43-14-8.3, or 43-14-8.4, it shall not be necessary for an investigator to observe or witness the unlicensed person engaged illegally in the process of work or to show work in progress or work completed in order to prove the unlawful practice of utility contracting by an unlicensed person.

(b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed as a utility contractor advertises that such person is in the business or profession of a utility contractor or advertises in a manner such that the general public would believe that such person is a licensed utility contractor or in the business or profession of a utility contractor. Advertising under this subsection includes, but is not limited to, newspaper, television, or radio advertisements, telephone directory listings, mailings, business cards, or a sign or signs at a place of business or attached to a vehicle.

(c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing, the board may issue a cease and desist order prohibiting any person from violating the provisions of this chapter by engaging in the business or profession of a utility contractor without a license as required under this chapter or by constructing, erecting, altering, or repairing a utility system without a properly certified utility manager or properly certified utility foreman present at such job site.

(d) The violation of any cease and desist order of the board issued under subsection (c) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed \$5,000.00 for each violation thereof. Each day that a person practices in violation of this Code section and chapter or constructs, erects, alters, or repairs a utility system without a properly certified utility manager or properly certified utility foreman present at such job site shall constitute a separate violation.

(e) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section."

SECTION 6.

This Act shall become effective on July 1, 2004.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.